



General Assembly

February Session, 2014

Raised Bill No. 52

LCO No. 392



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT CONCERNING THE POSSESSIONS OF DECEASED
TENANTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-11d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) If the sole occupant of a dwelling unit subject to a monthly lease
4 or a lease for a term has died and the landlord has complied with any
5 provisions of any such lease permitting termination upon the death of
6 the occupant, the landlord may elect to act in accordance with the
7 provisions of this section. If the landlord elects to act in accordance
8 with the provisions of this section, such landlord shall send notice to
9 the emergency contact designated by the occupant, if any, and to the
10 next of kin of such occupant, if known, [of such occupant] at the last-
11 known address both by regular mail, postage prepaid, and by certified
12 mail, return receipt requested, stating that (1) the occupant has died,
13 (2) the landlord intends to remove any possessions and personal
14 effects remaining in the premises and to rerent the premises, [and] (3)
15 the emergency contact or next of kin should immediately contact the

16 probate court for information as to how to reclaim such possessions
17 and personal effects, and (4) if [the next of kin does not reclaim] such
18 possessions and personal effects are not reclaimed within sixty days
19 after the date of such notice, such possessions and personal effects will
20 be disposed of as permitted by this section. The notice shall be in clear
21 and simple language and shall include a telephone number and a
22 mailing address at which the landlord can be contacted and the
23 telephone number of the probate court for the district in which the
24 dwelling unit is located.

25 (b) (1) If notice is sent by the landlord [to the next of kin, if known,]
26 as provided in subsection (a) of this section, or (2) if the occupant did
27 not designate an emergency contact or the landlord does not know any
28 next of kin of the occupant, the landlord shall file an affidavit with the
29 probate court having jurisdiction concerning the possessions and
30 personal effects of the deceased occupant. Such affidavit shall include
31 the name and address of the deceased occupant, the date of death, the
32 terms of the lease, and the names and addresses of the emergency
33 contact, if any, and the next of kin, if known.

34 (c) If the landlord acts in accordance with the provisions of this
35 section, the landlord shall not be required to serve a notice to quit as
36 provided in section 47a-23 and bring a summary process action as
37 provided in section 47a-23a to obtain possession or occupancy of the
38 dwelling unit. Nothing in this section shall relieve a landlord from
39 complying with the provisions of sections 47a-1 to 47a-20a, inclusive,
40 and sections 47a-23 to 47a-42, inclusive, if the landlord knows, or
41 reasonably should know, that the dwelling unit has not been
42 abandoned.

43 (d) On or after thirty days after the date of the filing of the affidavit
44 pursuant to subsection (b) of this section, the landlord shall inventory
45 any possessions and personal effects of the deceased occupant in the
46 premises and shall file a copy of such inventory with the court of
47 probate under subsection (b) of this section. The landlord may not

48 remove [them] such possessions and personal effects until fifteen days
49 after such inventory is [taken] filed. Thereafter, the landlord may
50 remove and securely store such possessions and personal effects for an
51 additional fifteen days. [The next of kin may reclaim such possessions
52 and personal effects from the landlord within such sixty-day period. If
53 the next of kin does not reclaim] If such possessions and personal
54 effects are not reclaimed by the end of such sixty-day period and the
55 landlord has complied with the provisions of this section, the landlord
56 may [dispose of them in accordance with section 47a-42.] obtain from
57 the probate court having jurisdiction a certificate indicating that the
58 landlord has filed an inventory in the court pursuant to this subsection
59 and that sixty days have elapsed since the landlord filed the affidavit
60 pursuant to subsection (b) of this section. The landlord may file such
61 certificate and an application, in such form as the Chief Court
62 Administrator prescribes, in the superior court having jurisdiction over
63 the premises of the deceased occupant. There shall be no fee for such
64 filing, and the clerk of such court shall open a summary process file
65 based on the reason that the right to occupy has terminated due to the
66 death of the named occupant. Such certificate shall be treated in the
67 same manner as a judgment of the superior court pursuant to chapter
68 832 and shall have the same effect and shall be subject to the same
69 procedures, defenses and proceedings for reopening, vacating or
70 staying as a judgment of the superior court. After the clerk opens the
71 summary process file and sends a notice of judgment, and after the
72 appropriate stay of execution expires, the landlord may obtain an
73 execution and a state marshal may remove the possessions and
74 personal effects of such deceased occupant pursuant to such execution
75 and deliver them to the place of storage designated for such purposes
76 by the chief executive officer of the municipality in which the dwelling
77 unit is located.

78 (e) Before the possessions and personal effects of a deceased
79 occupant are removed pursuant to an execution issued under
80 subsection (d) of this section, the state marshal charged with carrying

81 out such removal shall give the chief executive officer of the
82 municipality in which the dwelling unit is located (1) twenty-four-
83 hours' notice of the removal, stating the date, time and location of such
84 removal as well as a general description, if known, of the types and
85 amount of possessions and personal effects to be removed from the
86 premises and delivered to the designated place of storage, and (2) a
87 copy of the inventory prepared by the landlord pursuant to subsection
88 (d) of this section, annotated to indicate any items that have been
89 reclaimed. Before giving such notice to the chief executive officer of the
90 municipality, the state marshal shall use reasonable efforts to locate
91 and notify the emergency contact, if any, and the next of kin, if known,
92 of the date, time and location of such removal and of the possibility of
93 a sale pursuant to this subsection. At any time prior to the actual sale
94 of such possessions and personal effects, an executor or administrator
95 appointed by the probate court or by an individual designated by such
96 court in accordance with section 45a-273 may reclaim such possessions
97 and personal effects upon payment to the chief executive officer of the
98 expense of storage. If such possessions and personal effects are not
99 reclaimed within fifteen days after such removal and storage, the chief
100 executive officer shall sell the same at public auction after using
101 reasonable efforts to locate and notify the emergency contact or the
102 next of kin, if known, of such sale and after posting notice of such sale
103 for one week (A) on the public signpost nearest to the premises from
104 which the possessions and personal effects were removed, or (B) at
105 some exterior place near the office of the town clerk. The proceeds of
106 the sale shall be applied to a reasonable charge by the municipality for
107 the storage of such possessions and personal effects. Any remaining
108 proceeds shall be turned over to the estate of the deceased occupant or,
109 if no estate proceedings are commenced within thirty days after such
110 sale, the chief executive officer shall turn over the net proceeds of the
111 sale to the State Treasurer, who shall treat such proceeds as escheated
112 property pursuant to part III of chapter 32.

113 [(e)] (f) If an application for probate of a will or letters of

114 administration is filed with the court of probate having jurisdiction
115 concerning the possessions and personal effects of the deceased
116 occupant within fifty-five days of the filing of the affidavit of the
117 landlord as provided in subsection (b) of this section, the probate court
118 shall immediately notify the landlord of such filing and any action of
119 the landlord pursuant to the provisions of this section shall cease.

120 ~~[(f)]~~ (g) No action shall be brought under section 47a-43 against a
121 landlord who takes action in accordance with the provisions of this
122 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	47a-11d

Statement of Purpose:

To clarify the procedure by which a landlord can recover possession of rented premises if the sole occupant of the premises dies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]